

**Bayer MaterialScience****RECEIVED  
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Date September 21, 2005

To Examiner Feely - Group 1712 - USPTO

Fax 571-273-8300 Pages 5

From John E. Mrozinski, Jr.

Fax (412) 777-3902 Tel. (412) 777-3024

CC: \_\_\_\_\_

Re: Mo-6495/LeA 33,544

**FAX****Bayer MaterialScience LLC  
Americas**

Serial No. 09/890,889  
Filed August 7, 2001

As per our telephone conversation of September 20, 2005, please  
see attached Terminal Disclaimers.

John E. Mrozinski, Jr.  
Bayer MaterialScience LLC  
100 Bayer Road  
Pittsburgh, PA 15205-9741

RECEIVED  
CENTRAL FAX CENTER

SEP 21 2005

Mo-6495  
LeA 33,544IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

JORG HOFMANN ET AL

SERIAL NUMBER: 09/890,889

FILED: August 7, 2001

TITLE: DOUBLE-METAL CYANIDE CATALYSTS  
FOR PRODUCING POLYETHER POLYOLS)

) ART UNIT: 1712

) EXAMINER:

) Michael J. Feely

TERMINAL DISCLAIMER

Petitioner, Bayer Aktiengesellschaft is the owner of 100 percent interest in the instant application. The assignment from the inventors or chain of title from the inventors, of the application identified above was recorded in the Patent and Trademark Office at Reel 012185, Frame 0554. Petitioner hereby disclaims except as provided below the terminal part of the statutory term of any patent granted on the application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on U.S. Patent No. 6,835,687, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent be the same as the legal title to the above referenced application or patent, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of the above-listed application in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer filed prior to the grant of the patent.

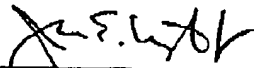
The undersigned has reviewed all the evidentiary documents accompanying or referred to in the instant Terminal Disclaimer and it is certified to the best of the undersigned's knowledge and belief, title is in the assignee identified above.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Signed at Pittsburgh, Pennsylvania, this 21st day of September, 2005.

Submitted by,

  
\_\_\_\_\_  
John E. Mrozinski, Jr.  
Patent Counsel  
Reg. No. 46,179

- ☒ I authorize you to charge the amount of  
☐ \$65.00 (small entity)  
☒ \$130.00 (large entity) to Deposit Account Number 13-3848.

s:\shared\jmf\JEM7119td1

Mo7119

- 2 -

Mo-6495  
LeA 33,544

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IN RE APPLICATION OF )  
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SERIAL NUMBER: 09/890,889 ) EXAMINER:  
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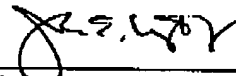
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